



April 18, 2000

Mr. Kevin E. Oliver  
Cooper & Scully  
900 Jackson Street, Suite 100  
Dallas, Texas 75202

OR2000-1554

Dear Mr. Oliver:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID#135674.

The City of Coppell (the "city"), which you represent, received a request for information relating to case nos. 99-12291 and 99-28204. You state that this office has determined in a former letter ruling that the information relating to case no. 99-28204 is confidential. You argue that information relating to case no. 99-12291 is excepted from public disclosure pursuant to Government Code subsections 552.108(a)(1) and 552.108(a)(2). We have considered the exceptions you claim and reviewed the submitted documents.

You explain that the information relating to case no. 99-28204 is the same information as the information that this office ruled upon in Open Records Letter No. 2000-0602 (2000). Open Records Letter No. 2000-0602 concluded that the city must withhold the information relating to case no. 99-28204 under section 552.101 of the Government Code in conjunction with Family Code section 261.201. Therefore, in accordance with Open Records Letter No. 2000-0602, you must withhold the information related to case no. 99-28204.

In Open Records Letter No. 2000-0602, this office also found that information related to case no. 99-12291 was excepted from public disclosure, with the exception of basic front page information, pursuant to Government Code section 552.108(a)(1) because the case was ongoing. You explain that the "case has now been resolved and did not result in conviction or deferred adjudication" and, therefore, the information should be excepted from public disclosure under section 552.108(a)(2). Section 552.108(a)(2) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection,

investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]” Therefore, we find that most of the requested information is excepted from disclosure pursuant to section 552.108(a)(2).

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. *See* Gov’t Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the requested report. Thus, with the exception of the basic front page offense information, you may withhold the requested information from disclosure based on section 552.108(a)(2). Although section 552.108(a)(2) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov’t Code § 552.007.

This letter ruling is limited to the particular records at issue in this request and to the facts as presented to us. Therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

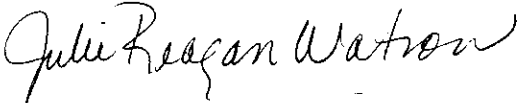
This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body’s intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general’s Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in cursive script that reads "Julie Reagan Watson".

Julie Reagan Watson  
Assistant Attorney General  
Open Records Division

JRW/cwt

Ref: ID#135674

Encl. Submitted documents

cc: Ms. Susan Garcia  
Post Office Box 2692  
Coppell, Texas 75019  
(w/o enclosures)